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ACQUISITION CO., LLC

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ISRAEL SHURKIN, On Behalf of Himself and  
All Others Similarly Situated,

Plaintiff,

v.

GOLDEN STATE VINTERS, INC., et. al.,

Defendants.

CASE NO. C-04-3434-MJJ

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~  
ORDER REGARDING DATES FOR  
FILING OF PAPERS RELATING TO  
DEFENDANTS' MOTIONS TO DISMISS**

WHEREAS, the Amended Complaint in the above-captioned action was filed on September 23, 2005;

WHEREAS, defendants are represented by three separate law firms;

WHEREAS, all of the defendants intend to file motions to dismiss the Amended Complaint, which presently would be due on October 3, 2005, but have requested additional time so as to allow their legal counsel to coordinate their responses and, to the extent practicable, eliminate overlapping and redundant arguments;

WHEREAS, if more than one motion to dismiss is filed, plaintiff may desire to file a consolidated response to defendants' motions to eliminate redundant and overlapping arguments;

WHEREAS, the parties have agreed to a stipulated briefing schedule;

1 NOW THEREFORE, the parties hereby STIPULATE AND AGREE, and request the Court to  
2 order, as follows:

3 1. Defendants shall file and serve their motions to dismiss no later than November 7,  
4 2005.

5 2. Plaintiff's response to defendants' motion(s) to dismiss shall be filed and served no  
6 later than December 22, 2005. If more than one motion to dismiss is filed, plaintiff may file a single  
7 consolidated response to all motions, which shall not exceed the number of pages that plaintiff would  
8 be allotted if he filed individual responses to each motion.

9 3. Defendants shall file and serve their reply papers to plaintiff's opposition(s) to  
10 defendants' motions to dismiss no later than February 1, 2006. If plaintiff files a consolidated  
11 opposition to multiple motions to dismiss, defendants may combine their replies into a single brief,  
12 which shall not exceed the total number of pages defendants would be allotted if each moving  
13 defendant replied separately.

14 4. Nothing in this Stipulation shall preclude any party from seeking a further adjustment  
15 to the dates set forth herein, or other appropriate relief, for good cause shown.

16 DATED: September 30, 2005

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19  
20 By: /s/  
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28





**O R D E R**

Pursuant to stipulation of the parties and for good cause, it is hereby ordered that:

NOW THEREFORE, the parties hereby stipulate, and request the Court to order, as follows:

1. Defendants shall file and serve their motions to dismiss no later than November 7, 2005.

2. Plaintiff's response to defendants' motion(s) to dismiss shall be filed and served no later than December 22, 2005. If more than one motion to dismiss is filed, plaintiff may file a single consolidated response to all motions, which shall not exceed the number of pages that plaintiff would be allotted if he filed individual responses to each motion.

3. Defendants shall file and serve their reply papers to plaintiff's opposition(s) to defendants' motions to dismiss no later than February 1, 2006. If plaintiff files a consolidated opposition to multiple motions to dismiss, defendants may combine their replies into a single brief, which shall not exceed the total number of pages defendants would be allotted if each moving defendant replied separately.

4. Nothing in this Stipulation shall preclude any party from seeking a further adjustment to the dates set forth herein, or other appropriate relief, for good cause shown.

DATED this 4th day of October, 2005.

\_\_\_\_\_  
Martin J. Jenkins  
United States District Judge



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